

MINUTE ORDER

CASE NUMBER: CIVIL NO. 19-00604 LEK-WRP

CASE NAME: in re: Fish N Dive LLC,

JUDGE: Leslie E. Kobayashi

DATE: 11/12/2020

COURT ACTION: COURT ORDER REGARDING MOTIONS FILED ON
NOVEMBER 10, 2020

On July 23, 2020, Claimants-in-Limitation James A. Liotta, as Personal Representative of the Estate of T.T., deceased; Tsogt Natsagdorj, individually and as next friend of K.T., a minor; and Enkhsuvd Batbold (“Tsogt Claimants”) filed their Motion to Dismiss or for Summary Judgment for Failure by Plaintiffs-in Limitation to File Action Within Six Months of Receiving Notice of a Claim (“Motion”). [Dkt. no. 101.] On November 6, 2020, an order was issued denying the portion of the Motion seeking dismissal, but granting the portion of the Motion seeking summary judgment (“11/6/20 Order”). [Dkt. no. 116.]

On November 10, 2020, the Tsogt Claimants filed a motion seeking clarification of the 11/6/20 Order (“Motion for Clarification”), and an ex parte motion to shorten time for the filing of any opposition to the Motion for Clarification (“Ex Parte Motion”). [Dkt. nos. 117, 118.] The Tsogt Claimants argue the 11/6/20 Order should be clarified as to the status of the stay previously imposed by the Order Directing Issuance of Notice and Publication, [filed 11/15/19 (dkt. no. 9)]. Because the original Motion did not request an order lifting the stay, the Motion for Clarification improperly seeks new relief. The Motion for Clarification is therefore DENIED, but the denial is WITHOUT PREJUDICE to the filing of a new motion to lift the stay.

In light of the denial of the Motion for Clarification, the Ex Parte Motion is DENIED AS MOOT.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager